



State of North Carolina

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REPLY TO:
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- MEMORANDUM -

TO: ROBERT T. HARGETT
SENIOR DEPUTY ATTORNEY GENERAL

FROM: TERENCE D. FRIEDMAN
SPECIAL DEPUTY ATTORNEY GENERAL

DATE: May 4, 2015

SUBJECT: **BRUCE G. RAMAEKERS V. NC DEPARTMENT OF COMMERCE AND
NC UTILITIES DIVISION, 14 OSP 06725**

This memorandum and attached settlement agreement are being submitted for review pursuant to N.C. Gen. Stat. §114-2.4. The proposed settlement agreement resolves Mr. Ramaekers' contested case challenging his dismissal for lack of just cause, his potential allegations of discrimination based on age and disability and his potential FLSA claim for working hundreds of uncredited hours of compensatory time.

Based on the ongoing and past expenditure of considerable resources and accompanying disruption of business operations, management and legal staff for the N.C. Department of Commerce and the N.C. Utilities Commission want to resolve this matter. Mr. Ramaekers' four OAH cases have entailed years' worth of time-consuming attention. The ongoing OAH dismissal case has entailed four and one-half days of trial; absent approval of this consent order another three days of testimony is anticipated. Mr. Ramaekers' potential discrimination and FLSA cases would be similarly litigious. Commerce and Utilities' management and in-house legal staff support allowing Mr. Ramaekers to retroactively resign in lieu of dismissal and pay a lump-sum payment of \$265,000 for his release of claims and his attorney fees. In return, Mr. Ramaekers releases all actual and potential claims, including his potential discrimination and FLSA claims.

The N.C. Office of State Human Resources, the N.C. Office of the State Controller and the N.C. Office of State Budget and Management have all approved of this settlement agreement. The parties have all signed it. For convenience, I have signed it but have not circulated the version with my signature.

Thank you in advance for your attention to this matter. Please let me know if you need any additional information.

APPROVED BY:



Lars F. Nance
Special Deputy Attorney General

5/4/15
Date

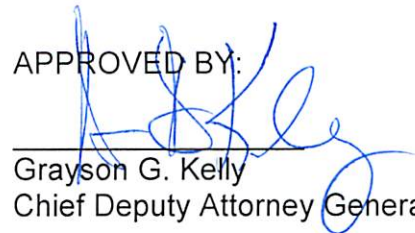
APPROVED BY:



Robert T. Hargett
Senior Deputy Attorney General

5-4-15
Date

APPROVED BY:



Grayson G. Kelly
Chief Deputy Attorney General

5/5/15
Date